



BOARD OF SELECTMEN
Meeting Minutes
June 2, 2014

Approved: June 16, 2014

PRESENT: Vincent Amoroso, Chair; Robert Stemple, Clerk; Susan Bak, Member; Les Fox, Member; and Jim Gorman, Member

ALSO PRESENT: Selina Shaw, Town Administrator and Cheryl Mahoney, Department Assistant

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

Chair Amoroso called the meeting to order at 7:32 P.M. in the Grange Meeting Room of Town Hall.

ANNOUNCEMENTS

Chair Amoroso read the announcements and introduced our newly elected Selectmen, Susan Bak.

REORGANIZATION OF THE BOARD

- Chair Amoroso opened this discussion by calling for nominations for Chair. Member Fox provided background on the Selectmen tradition as to assigning leadership positions; his personal experience of serving as both the Clerk and Chair; and the commitment that is required. Member Fox has had discussions with Amoroso and he is willing to commit to serving another year as Chair. Member Fox nominated Vince Amoroso. Seconded by Member Stemple. Hearing no others, Chair Amoroso closed the nominations. **Approved 5-0.**
- Chair Amoroso called for nominations for Clerk. It was noted that Member Stemple has also agreed to continue to serve as Clerk for another year. Member Fox nominated Bob Stemple. Seconded by Chair Amoroso. Hearing no others, Chair Amoroso closed the nominations. **Approved 5-0.**

PUBLIC HEARING

- At 7:41 PM Chair Amoroso convened a public hearing to consider the application of Oscar's Burritos Mexican Grill, Inc., for a Common Victualler's license for the premises located at 36 Massachusetts Avenue, Boxborough. The applicant, Oscar Garcia and property manager, Lisa Cote were present. A complete list of those present is attached and incorporated by reference. Mr. Garcia spoke to his background in the restaurant industry and why he chose this location for his business. This is the first time that a full-service restaurant has been in this location so they are starting from scratch. He presented their menu. There was discussion as to hours of operation, staffing, shared space with Hayward Ice Cream and shared seating. As there was no further discussion Chair Amoroso closed the hearing. Member Gorman moved to approve the application of Oscar Garcia for a Common Victualler's license for Oscar's Burritos Mexican Grill, to be located at 36 Massachusetts Avenue, Boxborough. Seconded by Member Stemple. **Approved 5-0.**

APPOINTMENTS

- Building Inspector David Lindberg was present to discuss the damage to the foundation recently discovered in the Steele Farm farmhouse. Member Stemple reported that last week members of the Steele Farm Advisory Comm. advised him that a portion of the farmhouse's foundation had partially collapsed over the winter. He viewed the damage and contacted BICAO Lindberg regarding the situation. BICAO Lindberg distributed his memo and rendering regarding his inspection and determination. It is his determination that, even though the house is already effectively closed to the public, people should not be in the structure. The cellar floor is wet and the other inner foundation wall is showing evidence of bowing. He contacted the Town's engineering consultant, Bruce Ringwall who referred him to Val Prest, a structural engineer and Ringwall's former partner. He has spoken to Mr. Prest. Prest has 50 years of experience in this field; enjoys projects involving antique structures and is

available next week to come & inspect the house. Lindberg advised that he is unsure what the cost would be for these repairs. There was discussion about obtaining estimates and whether to simply stabilize the damage or to explore more permanent solutions & begin preservation efforts. Lindberg was asked to arrange for Mr. Prest to view the property and to ask about the two options – stabilizing or preservation.

The Selectmen took Agenda Items 5 c, d & e, out of order.

- Police Chief Warren Ryder was present to discuss appointing Robert J. Fagundes as a Special Police Officer. Mr. Fagundes was not present. Mr. Fagundes is being appointed to replace a Special Police Officer who resigned last month. Chief Ryder spoke to the memo which outlined Fagundes' qualifications and experience. Member Fox noted that Fagundes had been one of the finalists for the full-time Patrol Officer vacancy recently filled. Chief Ryder explained the role of Special Officers on the force and the current & optimum complement of Special Officers in Boxborough. Further to the recommendation of Police Chief Ryder, Member Fox moved to appoint Robert J. Fagundes as Special Police Officer for a term effective immediately through June 30, 2015. Seconded by Member Gorman. **Approved 5-0.**
- Chief Ryder remained to present a proposed department policy concerning the use of nasal naloxone. Sgt. Warren O'Brien was also present for these discussions. Chief Ryder referred to his memo and the proposed policy. Both on-duty police cruisers and EMTs will be equipped with this product. This can be used to counter not just the effects of illegal drugs but unintended overdoses from prescription medications. This policy is not a response to any incidents in Town but to the over 80 deaths attributed to opiate overdose in the last year statewide. Sgt. O'Brien, a certified nasal naloxone trainer, provided background and outlined department's intended training process & procedures for the maintenance & deployment of this medication. Audience member Brigid Bieber added that she wanted to remind residents that the Boxborough Police Station has a 24/7 drug disposal drop box. Member Gorman moved to approve Boxborough Police Policy and Procedure No. 1.22 - Administration of Nasal Naloxone, 4/24/14 Seconded by Member Fox. **Approved 5-0.**
- DPW Director, Tom Garmon, was present to discuss the upcoming, proposed paving schedule and the transfer station. Discussion opened with the paving schedule. Dir. Garmon reported that the Town should shortly be receiving state approval of our Winter Roads grant submission (appx. \$33,000). He intends to acquire "hot-box" equipment which will allow DPW to keep asphalt "hot" during road projects. Applied hot asphalt is more durable than the "cold-patch" they currently use. This equipment shall be used not just for pot-hole patching but for other pavement repairs and paving projects going forward. The state requires this work to be completed and all reports submitted by the end of August. Dir. Garmon updated the Selectmen on the Chapter 90 road paving schedule. Rebuilding Reed Farm Road is still the top priority. Reed Farm's secondary roads (Blanchard & Inches Brook) are not as degraded and can wait. Planner Hughes started project specifications before she left which are being completed by Vicki Franz. They will be given to TA Shaw to begin bid process preparation. He is looking at possibly August to start the construction. The contract will specify an uninterrupted project timeline - stay on task until finished (estimating 2-2 ½ weeks). The next priority would be Flagg Hill Road. He'd like to see how the Reed Farm project works out before putting this phase out to bid. There was discussion about previous discussions about the possibility of "bundling" these paving projects into one bid packet. Dir. Garmon noted this paving season is the biggest project DPW has ever undertaken. The state's bid process and Ch. 90 requirements are significant and can be voluminous; requiring quite a bit of administration. It was suggested that the Town's engineering consultant could assist and that possibly additional administrative support/staffing could be obtained. According to MassDOT, Boxborough currently has no Ch. 90 projects outstanding. There was also a brief discussion on the Town Meeting approved parking lot paving projects and how it differs from Ch. 90 projects. Discussion turned to Transfer Station operations. Tonight's discussions are for fact gathering and brainstorming purposes. Specifically the Selectmen want to determine the Cost/Benefit of sticker fees and bulk fees and the actual cost of running the facility. Chair Amoroso further noted that he has been approached by a Stow Selectman about Stow resident's possible accessing/using our Transfer Station. Based on current data it costs \$168,000 annually (labor, hauling, stickers, electricity, bulk disposal etc...) to operate the Transfer Station. Recent years indicate the Town realizes \$118,000 appx. annually from the sale of Transfer Station stickers. Dir. Garmon did not have data as to 2nd sticker fee revenues. Since Bulk Fee Permits were implemented in FY 14 \$5,220 in fees has been generated. Fees for both the stickers and bulk disposal are waived for senior residents. There was discussion about possibly eliminating the 2nd sticker fees. There is no charge to senior residents for a 2nd sticker and a negligible number are actually sold. Allowing a 2nd vehicle access to the facility would be a convenience for families. Dir. Garmon noted he did not have any significant concerns about eliminating the 2nd sticker charge. Discussion expanded to the possible elimination of the other fees for annual stickers and bulk disposal permits. The current charge is \$150.00 per year for the 1st sticker. Bulk fees are separate. If we absorbed these charges back into general town services the tax impact per household would be only \$66-72 per year, a savings for those who now have to pay these fees. The Town already absorbs some of the facility's operating expenses. It was opined that trash disposal should be covered by taxes, though it was noted that not all residents use the transfer station. It was suggested that a "no fee" pilot project could be implemented for a year. There is no way of knowing the impact of this change until we do this and stickers would still need to be issued. Discussion turned to the bulk disposal program. Dir. Garmon opined that though it has only been in place since July 2013, this program seems to be working. Until this program was implemented there was no way to track actual usage, so there is no historical data as to bulk disposal. He noted that data to-date indicates that

the majority of these vouchers are being issued to seniors; a loss of appx. \$5,000 in potential revenue. The requirements may need to be reviewed. At the close of FY 14 he will have a complete year of data available so they will be able to analyze usage. He reviewed how the bulk disposal bins are processed and hauling managed. It costs the town to dispose of bulk items and these disposal costs could double/triple from one year to the next. All of the neighboring town charge for bulk items. This program seems to be working as intended. It was noted that decisions will have to be made soon if the Selectmen intend to eliminate any of these fees for FY 15. Chair Amoroso opened discussion on a proposal to possibly provide Stow residents' access to the Transfer Station. Dir. Garmon advised that Town entered a grant program that paid for the recent improvements to the facility. This grant requires us to track our costs savings and does not expire until September 2014. So nothing could be done until after September. The Selectmen provided Dir. Garmon with their research parameters so data could be compiled so this proposal can be revisited in September. There is no data from Stow regarding potential interest in terms of number of stickers desired. The Transfer Station discussion will continue on the June 16th.

- It was noted that MassCops Local 200, President Jeffrey Landgren, was unable to attend tonight's meeting so he had signed this agreement earlier today. Member Stemple moved to execute the successor agreement between the town, acting by and through its Board of Selectmen and the Massachusetts Coalition of Police, MCOP Local 200 for the term July 1, 2012– June 30, 2015 Seconded by Member Fox. **Approved 5-0.**
- Citizens concerns – there were two people in the audience. They advised that they had come for the public hearing concerning Oscar's Burritos Mexican Grill, but seem to have missed it. They live in Summerfields so their only concern would possibly be the cooking smells coming from the property. They also advised related to the Transfer Station discussion, that the Summerfield unit owners pay \$25.00 per month for trash disposal.

As BSC Chair, Brigid Bieber, was present the Selectmen took Agenda Items 9a, out of order.

NEW BUSINESS

- The Selectmen took up the Boxborough School Committee's request for permit to serve champagne at a reception for Superintendent Curt Bates. Member Gorman moved to authorize the Boxborough School Committee to serve champagne at a reception to honor Curt Bates, Boxborough School District Superintendent on his retirement, to be held at the Sargent Memorial Library on June 10, 2014, from 6:30 – 8:30 PM subject to the conditions specified on the application, and further, to waive the fee. Seconded by Member Fox. **Approved 5-0.**

MINUTES

- The Selectmen passed over approval of the regular session minutes of April 28, 2014.
- Member Gorman moved to accept the minutes for the regular sessions of March 31, 2014 & April 14, 2014, as revised and regular sessions of May 12, 2014 & May 22, 2014 and the meeting notes of the executive session of May 27, 2014 [BoS Negotiating Team, Town Administrator]- *provided for informational purposes only*. Seconded by Member Fox. **Approved 4-0-1 (Bak abstained).**

SELECTMEN REPORTS

- Member Fox reported that he, TA Shaw and Chief Ryder recently met with Guardian on the status of the server project. It seems to be going well. He also noted that Guardian will be taking the Town's computer systems down on Friday June 13th as part of this project. The intention is to have Guardian come to a meeting in the near future to give a general report to the Board.
- He also reported that Town facilities have experienced multiple service and infrastructure interruptions. Problems started early Thursday morning seem to have continued through to today. Most significantly the Police Station systems went down and emergency back-up protocols did not kick-in and the programmed failure notifications were not received by either Guardian or Dispatch. There are also still issues with the Verizon lines. Chief Ryder and Guardian technicians were working on this since the early morning hours. At this time we believe most of these issues should be under our warranty with ePlus.
- Member Bak has nothing to report.
- Member Stemple noted, as reported earlier, he has been working with the Steele Farm Advisory Committee and BICAO Lindberg on the structural concerns at Steele Farm.
- Chair Amoroso reported that he has had several discussions involving the Minuteman School District matters. Needham Selectman and Minuteman RAAS member, Dan Matthews contacted him to see if the Boxborough Selectmen would be interested in holding a stakeholders meeting. Chair Amoroso reviewed the recommendations and actions voted at this year's

Town Meeting, specifically the Selectmen's Withdrawal article. The next step for the Town is to determine how we would go about withdrawing from the Minuteman District. This meeting would be to determine the scope of this endeavor and how to proceed. As DESE has ultimate purview over any withdrawal action, this meeting will be most productive if Minuteman Supt. Bouquillon and a representative from the Dept. of Ed. such as Commissioner Chester or Deputy Comm. Wulfson participate. Mr. Matthews has also suggested that the Selectmen be the ones to contact DESE to make this request. It was noted that the current count as to Town Meeting action regarding the amendments to the agreement are to date - 10 have approved, Wayland has voted down and the 5 remaining member towns, including Boxborough, have passed over. There was discussion about what actions some communities may be taking as this process goes forward, including possibly withdrawing under the revised agreement. Bringing everyone together would be a way for us to determine the best means for Boxborough to achieve withdrawal – under the current terms or the proposed revised regional agreement's withdrawal procedures. Timing is also a concern. The MSBA has given the District only until January to present a solid plan before any building project can proceed. The Selectmen supported holding a stakeholders meeting. Minuteman School Comm. rep. Cheryl Mahoney asked if she could provide input. She did voice concern as to some of the items raised during this discussion and a lively discussion ensued on these points. Rep. Mahoney supports holding this stakeholders meeting and including DESE in these discussions. It was determined that a stakeholder meeting will be arranged as soon as possible. The invited participants will include the Selectmen, Finance Committee, Boxborough School Committee, Moderator Fallon, Minuteman School Supt. Bouquillon, Minuteman School Comm. Rep. Mahoney and a representative from the DESE. TA Shaw was asked to contact these individuals. She was also asked to contact the DESE to arrange for a representative to attend.

- Member Gorman reported that the Well Being Committee will be meeting next week. Their focus will be on finalizing the outreach worker's job description. He clarified that this shall be a pilot program and that a RFP will be needed.

NEW BUSINESS (Continued)

- The Selectmen took up several Reserve Fund Transfer requests:
 - ◊ A RFT is required to cover the consulting engineering services associated with subdivision of Boxborough municipal and school land for the conveying of the Blanchard to the A-B District. Member Stemple moved to forward to the Finance Committee for approval the request to transfer \$ 535 from the Reserve Fund to 001-122-5200-5306 Board of Selectmen – Consulting. Seconded by Member Fox. **Approved 5-0.**
 - ◊ Member Fox moved to forward to the Finance Committee for approval the request to transfer \$2,000 from the Reserve Fund to 001-135-5200-5319 Accountant Software Maintenance. Seconded by Member Stemple. **Approved 5-0.**
 - ◊ Member Stemple moved to forward to the Finance Committee for approval the request to transfer \$6,325 from the Reserve Fund to 001-145-5200-5304, Treasurer Tax Title Foreclosure Seconded by Member Fox. Treasurer requires this RFT to cover the actual costs of processing Tax Title Foreclosure, a cost outside of the regular operating expenses. **Approved 5-0.**
 - ◊ Member Fox moved to forward to the Finance Committee for approval the request to transfer \$ 389.28 from the Reserve Fund to 001-519-5200-5310, Environmental Services Expenses Seconded by Member Stemple. **Approved 5-0.**
 - ◊ Member Fox moved to forward to the Finance Committee for approval the request to transfer \$ 175.12 from the Reserve Fund to account 001-522-5200-5317, Nursing Services Expenses. Seconded by Member Gorman. **Approved 5-0.**
- The Selectmen took up the resignation of Tamar MacFadyan from the Board of Registrars. Chair Amoroso thanked "Tammy" for the energy and time she has dedicated to town affairs. Member Stemple moved to accept with regrets and place on file the resignation of Tamar MacFadyen, from Board of Registrars effective immediately. Seconded by Member Fox. **Approved 5-0.**
- Further to the recommendation of Town Clerk Elizabeth Markiewicz, Chair Amoroso moved to appoint Hugh Fortmiller to the Board of Registrars to complete the unexpired term of Tamar MacFadyen effective immediately until June 30, 2015. Seconded by Member Bak. **Approved 5-0.**
- There was a brief discussion regarding BoS liaisons assignments for FY 15. Selectmen were asked to review so they could discuss these assignments at their June 16th meeting

EXECUTIVE SESSION

- At 9:59 PM, Chair Amoroso moved to adjourn the Morse/Hilberg Meeting Room convene in executive session to conduct strategy sessions in preparation for negotiations with non-union personnel (Town Administrator), and to adjourn immediately thereafter. Seconded by Member Stemple. **Approved 5-0 by a roll call vote: Fox aye; Amoroso, aye; Gorman, aye; Stemple, aye; and Bak, aye.**

Public Hearing to consider the Common Victular License application of Oscar's Burritos Mexican Grill
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June 2, 2014